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Security Council

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Letter dated 9 January 2012 from the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1718 (2006), which covers the Committee's activities during the period from 1 January to 31 December 2011. The report is submitted in accordance with the note by the President of the Council of 29 March 1995 (S/1995/234).

(*Signed*) José Filipe **Moraes Cabral**
Chair
Security Council Committee established
pursuant to resolution 1718 (2006)

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Report of the Security Council Committee established pursuant to resolution 1718 (2006)

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1718 (2006) covers the period from 1 January to 31 December 2011.

2. During the reporting period, the Bureau of the Committee consisted of Ambassador José Filipe Moraes Cabral as Chair, with the delegations of Lebanon and Nigeria providing the Vice-Chairs. In 2011, the Committee held six sessions of informal consultations and one formal meeting. During the formal meeting on 12 September 2011, the Ambassador of the Russian Federation to the Democratic People's Republic of Korea briefed the members of the Committee on the difficulties faced by some diplomatic missions in the Democratic People's Republic of Korea in the context of paragraph 21 of Security Council resolution 1874 (2009). The web page of the Committee is available at: www.un.org/sc/committees/1718.

II. Background

3. The Security Council Committee established pursuant to Security Council resolution 1718 (2006) was mandated to oversee the implementation of the measures imposed by that resolution with respect to the Democratic People's Republic of Korea.

4. On 12 June 2009, the Security Council unanimously adopted resolution 1874 (2009), in which it imposed additional measures, including an expansion of the embargo on arms and related materiel and technology, as well as financial measures to include a ban on financial transactions, technical training, advice, services or assistance related to such arms and materiel. In resolution 1874 (2009), the Council requested the Secretary-General to create for an initial period of one year a group of up to seven experts ("Panel of Experts") to assist the Committee in carrying out its tasks.

5. In paragraph 1 of resolution 1928 (2010), the Security Council extended the mandate of the Panel of Experts until 12 June 2011, and by paragraph 1 of resolution 1985 (2011), it further extended the mandate until 12 June 2012.

III. Summary of activities

A. Reports from Member States on the implementation of resolutions 1718 (2006) and 1874 (2009)

6. During the reporting period, 16 Member States reported to the Committee pursuant to paragraph 22 of Security Council resolution 1874 (2009) on the steps they had taken to implement effectively the provisions of paragraph 8 of Security Council resolution 1718 (2006), as well as paragraphs 9 and 10 of resolution 1874 (2009), and on the financial measures set out in paragraphs 18, 19 and 20 of resolution 1874 (2009).

B. Implementation Assistance Notices

7. On 21 January 2011, the Committee approved and issued an Implementation Assistance Notice to assist Member States in preparing and submitting the requested reports. The Implementation Assistance Notice provides an optional checklist template that includes all of the measures about which the Security Council has requested information. The Committee forwarded a copy of the aforementioned document to Member States in a note verbale dated 7 February 2011 and made it available on the Committee's website. In the same note verbale, the Committee seized the opportunity to remind Member States of their reporting obligations pursuant to paragraph 22 of Security Council resolution 1874 (2009) and to encourage reporting on their implementation of Security Council resolutions 1718 (2006) and 1874 (2009).

8. On 5 December 2011, the Committed approved an Implementation Assistance Notice regarding the ban on the supply, sale or transfer of luxury goods referred to in Security Council resolutions 1718 (2006) and 1874 (2009). The Committee forwarded a copy of the Implementation Assistance Notice to Member States in a note verbale dated 21 December 2011 and made it available on the Committee's website.

C. Reports to the Security Council

9. According to paragraph 12 (g) of Security Council resolution 1718 (2006), the Committee should report at least every 90 days to the Security Council on its work. Accordingly, the Chair briefed the Council on 23 February, 17 May, 23 August and 16 November 2011.

D. Panel of Experts

10. In accordance with paragraph 26 of its resolution 1874 (2009), the Security Council requested the Secretary-General, in consultation with the Committee, to appoint a Panel of up to seven experts for an initial period of one year. Following the adoption, on 10 June 2011, of Security Council resolution 1985 (2011) extending the mandate of the Panel of Experts until 12 June 2012, the Secretary-General, on 27 June 2011, reappointed to the Panel of Experts the seven individuals serving on the Panel at that time.

11. During the reporting period, three of the seven experts of the Panel of Experts established pursuant to Security Council resolution 1874 (2009), namely, Young-wan Song, Republic of Korea (regional issues), George A. Lopez, United States of America (finance) and Takehiko Yamamoto, Japan (nuclear issues), informed the Committee of their resignation owing to other pending professional and personal commitments. The Secretary-General, in consultation with the Committee, appointed Duk Ho Moon, Republic of Korea (proliferation of weapons of mass destruction, to replace David J. Birch, United Kingdom of Great Britain and Northern Ireland, who had resigned effective 20 December 2010) on 22 February 2011; John Everard, United Kingdom (regional issues), on 21 March 2011; and William Newcomb, United States of America (finance) and Katsuhisa Furukawa, Japan (nuclear issues), on 22 August 2011.

12. On 28 January 2011, the Panel of Experts, as requested by the Committee, submitted a report assessing the recent nuclear programme developments in the Democratic People's Republic of Korea in a follow-up to the briefing by Professor Siegfried Hecker on 15 December 2010 concerning his report on the construction of an enrichment facility and a light-water research reactor in Yongbyon.

13. On 12 May 2011, the Panel of Experts submitted to the Security Council its final report in accordance with paragraph 2 of Security Council resolution 1928 (2010). The Committee discussed the recommendations contained in the final report during its informal consultations on 10 June, 8 July and 12 September 2011.

14. On 6 July 2011, the Panel of Experts, acting in accordance with paragraph 3 of Security Council resolution 1985 (2011), submitted to the Committee, for its information, its programme of work until 12 June 2012.

15. On 2 November 2011, pursuant to paragraph 2 of Security Council resolution 1985 (2011), the Panel provided a midterm report on its work to the Committee, which the Committee considered during its informal consultations on 1 December 2011. Also in accordance with paragraph 2 of resolution 1985 (2011), the Panel submitted the report to the Council on 12 December 2011.

16. During the reporting period, at the invitation of the countries concerned, the Panel of Experts conducted visits to Austria (13 December 2011), France (5-6 December 2011), Germany (7-9 December 2011), Japan (12-14 January and 25-27 July 2011), the Republic of the Congo (12-16 December 2011), the Republic of Korea (17-19 January and 27 July-1 August 2011), Switzerland (16 December 2011), the United Kingdom (10 October and 21-22 November 2011) and the United States (5-6 October 2011) to discuss the measures taken by those countries to implement Security Council resolutions 1718 (2006) and 1874 (2009). The Panel of Experts and its individual members also held consultations with Government officials and national experts of Member States and with representatives of several international organizations and entities, such as the International Atomic Energy Agency, the International Civil Aviation Organization, the International Air Transport Association, the Financial Action Task Force on Money Laundering, the Group of Eight Non-Proliferation Directors Group, the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization and the United Nations Office on Drugs and Crime; they also participated in a number of relevant international meetings, conferences and seminars.

E. Communications from and to Member States related to alleged violations of the measures imposed in resolutions 1718 (2006) and 1874 (2009)

17. During the reporting period, the Committee received three new reports of alleged violations of Security Council resolutions 1718 (2006) and 1874 (2009), as well as information on previously reported cases of alleged violations.

18. On 24 June 2011, a Member State reported to the Committee an incident involving a vessel. According to the letter, the Member State had determined it had reasonable grounds to believe the vessel was transferring proliferation-related items in violation of Security Council resolutions 1718 (2006) and 1874 (2009).

19. On 5 July 2011, a Member State reported to the Committee that on 20 June 2011, its authorities had arrested a person suspected of illegally exporting luxury goods to the Democratic People's Republic of Korea.

20. On 19 September 2011, a Member State brought to the attention of the Committee "a case of violation of paragraphs 8 of resolution 1718 (2006) and 9 of resolution 1874 (2009)". In a note verbale dated 29 September 2011, the Member State transmitted photographic evidence to accompany the report submitted by its previous note verbale. On 26 October 2011, the Committee replied to the Member State expressing appreciation for its notification dated 19 September 2011 and the additional information in its note verbale dated 29 September 2011, and noting that it would be grateful to receive any further information its authorities may be able to share.

21. On 2 March 2011, the Panel of Experts transmitted for the Committee's information a copy of a note verbale, dated 28 February 2011, addressed to a Member State regarding the cargo seized by another Member State, which the latter reported to the Committee on 12 October 2009.

22. On 17 May 2011, a Member State informed the Committee that items (protective suits and boots), whose seizure by its authorities had been reported to the Committee on 12 October 2009, had been destroyed on 27 April 2011.

23. On 15 November 2011, a Member State provided additional information in relation to a case referred to the Committee by a Member State in a letter dated 28 December 2009.

24. The Committee, with the assistance of the Panel of Experts, is continuing its investigations of the reported incidents.

F. Other communications from Member States and international organizations

25. During the reporting period, the Committee also received two queries concerning measures imposed by Security Council resolutions 1718 (2006) and 1874 (2009). In a note verbale dated 23 August 2011, a Member State requested the Committee to confirm that meat and meat products do not constitute luxury goods referred to in paragraph 8 (a) (iii) of resolution 1718 (2006). The Committee is considering this request.

26. The Committee is also considering a letter dated 2 October 2011 from the secretariat of the United Nations Framework Convention on Climate Change, seeking guidance with respect to the participation of the Democratic People's Republic of Korea in project activities under the clean development mechanism of the Kyoto Protocol in the context of the Security Council resolutions pertaining to the Democratic People's Republic of Korea. The query was originally addressed to the Office of Legal Affairs and was forwarded to the Committee on 7 October 2011. The Committee is considering this query.

27. On 21 December 2011, a Member State informed the Committee that preliminary investigations conducted in 2009 and 2010 about an alleged violation of the prohibition against the transfer of luxury goods to the Democratic People's Republic of Korea concluded that there was no evidence of a sanctions violation.

Annex*

Reports received pursuant to paragraph 11 of Security Council resolution 1718 (2006)

Member State or organization	*Document symbol*	*Date of communication*
France	S/AC.49/2010/2	8 February 2010
Jordan	S/AC.49/2010/5	9 March 2010
Burkina Faso	S/AC.49/2010/6	4 April 2010
Brazil	S/AC.49/2010/7	26 May 2010
Georgia	S/AC.49/2010/10	30 June 2010
Uganda	S/AC.49/2010/12	13 August 2010
Spain	S/AC.49/2010/13	3 November 2010
Bulgaria	S/AC.49/2010/15	20 April 2010
Nigeria	S/AC.49/2011/1	3 February 2011
Kazakhstan	S/AC.49/2011/2	23 March 2011
Guyana	S/AC.49/2011/3	18 March 2011
Estonia	S/AC.49/2011/4	24 March 2011
Lithuania	S/AC.49/2011/5	7 April 2011
Latvia	S/AC.49/2011/6	21 April 2011
Montenegro	S/AC.49/2011/7	20 May 2011
San Marino	S/AC.49/2011/8	5 July 2011
Andorra	S/AC.49/2011/9	18 July 2011
Turkmenistan	S/AC.49/2011/10 S/AC.49/2011/10/Add.1	27 July 2011 12 September 2011
Panama	S/AC.49/2011/11	29 July 2011
Armenia	S/AC.49/2011/13	17 August 2011
Colombia	S/AC.49/2011/14	28 September 2011
Chile	S/AC.49/2011/15	18 November 2011

* The list of reports received prior to 2010 is contained in the enclosure to the Committee's previous report, S/2011/84.

Reports received pursuant to paragraph 22 of Security Council resolution 1874 (2009)

Member State or organization	*Document symbol*	*Date of communication*
Iceland	S/AC.49/2010/1	21 January 2010
France	S/AC.49/2010/2	8 February 2010
Republic of Belarus	S/AC.49/2010/3	5 April 2010
Russian Federation	S/AC.49/2010/4	9 April 2010
Jordan	S/AC.49/2010/5	9 March 2010
Burkina Faso	S/AC.49/2010/6	4 May 2010
Brazil	S/AC.49/2010/7	26 May 2010
India	S/AC.49/2010/8	23 June 2010
Greece	S/AC.49/2010/9	30 June 2010
Georgia	S/AC.49/2010/10	30 June 2010
Israel	S/AC.49/2010/11	13 July 2010
Republic of Uganda	S/AC.49/2010/12	13 August 2010
Spain	S/AC.49/2010/13	3 November 2010
South Africa	S/AC.49/2010/14	3 December 2010
Bulgaria	S/AC.49/2010/15	20 April 2010
Nigeria	S/AC.49/2011/1	3 February 2011
Kazakhstan	S/AC.49/2011/2	23 March 2011
Guyana	S/AC.49/2011/3	18 March 2011
Estonia	S/AC.49/2011/4	24 March 2011
Lithuania	S/AC.49/2011/5	7 April 2011
Latvia	S/AC.49/2011/6	21 April 2011
Montenegro	S/AC.49/2011/7	20 May 2011
San Marino	S/AC.49/2011/8	5 July 2011
Andorra	S/AC.49/2011/9	18 July 2011
Panama	S/AC.49/2011/11	29 July 2011
Brunei Darussalam	S/AC.49/2011/12	10 August 2011
Armenia	S/AC.49/2011/13	17 August 2011
Colombia	S/AC.49/2011/14	28 September 2011
Croatia	S/AC.49/2011/16	5 December 2011